

ZB# 89-9

Steve Prekas

69-1-8,9,10

89-9 - Prekas, Steve - lot area

Prelim.
Mar. 10th.

Public Hearing:
April 24, 1989.

Notice to Seintinel
on 4/4/89. ✓

Fee due: \$50.00
(Paid)

Lot
Area
Variance
Granted
4/24/89
(Height Variance
Denied)

General Receipt

10534

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

May 5 19 89

Received of Steve Prekas \$ 50.00

Fifty and 00/100 DOLLARS

For Zoning Board Application fee 89-9

DISTRIBUTION:

FUND	CODE	AMOUNT
CK# 2326		50.00

By Pauline H. Townsend
@J

Town Clerk

Title

cc: file

NEW WINDSOR ZONING BOARD OF APPEALS

-----X
In the Matter of the Application of
STEVEN PREKAS

DECISION GRANTING
AREA VARIANCE

#89-9.
-----X

WHEREAS, STEVEN PREKAS, 3 Warden Circle, Newburgh, New York 12550, has made application before the Zoning Board of Appeals for 12,913 s.f. lot area variance for purposes of construction of a restaurant near the intersection of Route 94 and Five Corners located in a C zone; and

WHEREAS, a public hearing was held on the 24th day of April, 1989 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared with his surveyor, Patrick Kennedy; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the bulk regulations for a C zone with regard to lot area in order to construct a restaurant.

3. The evidence presented by Applicant substantiated the fact that a variance for less than the allowable lot area would be required in order for Applicant to construct the proposed restaurant and that denial of same would cause practical difficulty to Applicant since relief sought by Applicant is not substantial in relation to the required bulk regulations.

4. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

5. The requested variance will produce no effect on the population density or governmental facilities.

6. That there is no other feasible method available to Applicant which can produce the necessary results other than the variance procedure.

7. The interest of justice would be served by allowing the the granting of the requested variance.

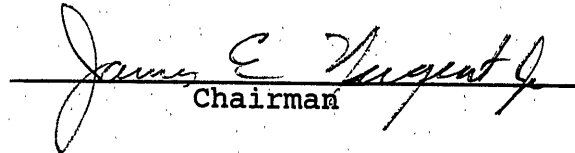
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 12,193 s.f. lot area variance sought by Applicant in accordance with plans submitted and filed with Building Inspector.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: May 8, 1989.


Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-9.

Date: 4/4/89

I. Applicant Information:

- (a) Steven Prekas, 3 Warden Circle, Newburgh, N.Y. 12550
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) C Route 94 69-1-89 & 10 27,087 SF.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. C & I.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>40,000 S.F.</u>	<u>27,087 S.F.</u>	<u>12,913 S.F.</u>
Min. Lot Width <u>200'</u>	<u>208.77'</u>	
Reqd. Front Yd. <u>60'</u>	<u>60'</u>	
Reqd. Side Yd. <u>30'/70'</u>	<u>30' / 114'</u>	<u>1</u>
Reqd. Rear Yd. <u>30'</u>	<u>30'</u>	
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>N.A.</u>	<u>32'</u>	<u>17'</u>
Min. Floor Area* <u>N.A.</u>		
Dev. Coverage* <u>N.A. %</u>	<u>%</u>	<u>%</u>
Floor Area Ratio** <u>0.5</u>	<u>0.1</u>	

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

The Three tax lots being developed are the only remaining lands between two existing commercial lots (Waldbaums & Dunkin Donuts). There is no possible way to secure anymore land for development of these lots within minimum zoning standards. Due to the size and shape of the buildable Area on this lot, anything built on this lot would require a height variance

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The development of these lots as one commercial property eliminates existing non conforming uses. It is the opinion of this applicant that the elimination of the existing uses will significantly clean up the appearance of the Vails Gate intersection. With the design, shape of the proposed building the height of the structure should not be out of place in this commercial zone.

IX. Attachments required:

- ____ Copy of letter of referral from Bldg./Zoning Inspector.
- ____ Copy of tax map showing adjacent properties.
- ____ Copy of contract of sale, lease or franchise agreement.
- ____ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ____ Copy(ies) of sign(s) with dimensions.
- ____ Check in the amount of \$ _____ payable to TOWN OF NEW WINDSOR.
- ____ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date April 3, 1989

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Shane Pukas
(Applicant)

Sworn to before me this
3rd day of April, 1989.

Gail F. Epstein
GAIL F. EPSTEIN
Notary Public, State of New York
No. 4801746
Qualified in Orange County
Commission Expires March 30, 1991

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

(28)

March 29, 1989

Patrick Kennedy, LS
219 Quassaick Ave.
New Windsor, NY 12550

Re: Variance List 69-1-9, 10 & 11

Dear Mr. Kennedy:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit same to the Town Clerk, Town of New Windsor, NY.

Very truly yours,

Leslie Cook

LESLIE COOK
Acting Assessor

LC/po
Attachments

V.G.R. Associates
c/o Howard V. Rosenblum
300 Martine Ave.
White Plains, NY 10601

Robin, Authur & Catherine
PO Box 235
Vails Gate, NY 12584

Korngold, Louis (Dr.)
135 Strawtown Rd.
W. Nyack, NY 10994

R & S Foods, Inc.
249 North Craig St.
Pittsburgh, PA 15213

Korngold, Louis (Dr.)
c/o Vails Gate Development Association
125 South Main St.
New City, NY 10956

Casaccio, Paul & Virginia
41 Barclay Rd.
New Windsor, NY 12550

Primavera, Joseph A. & Robert
PO Box 177
Vails Gate, NY 12584

Angelo Rosmarino Enterprises, Inc.
PO Box 392
Vails Gate, NY 12584

Hess Realty Corp.
1 Hess Plaza
Woodbridge, NJ 07095

Brambury Associates
765 Elmgrove Rd.
Rochester, NY 14624

Baright, Richard S.
D/B/A Baright Realty
Box 595
Vails Gate, NY 12584

S & S Properties, Inc.
123 Quaker Rd.
Highland Mills, NY 10930

Conna Corporation
c/o Convenient Industries of America, Inc.
Real Estate Dept., PO Box 35710
Louisville, KY 40232

Brewer, Ella
Box 527
Vails Gate, NY 12584

Brewer, Jr., Russell A. & Ruth Ann
Route 94, Box 103
Vails Gate, NY 12584

Brewer, Helen & Ida Mae & Michael
PO Box 293
Vails Gate, NY 12584

Deyo, Beatrice & James &
Scherf, Hannah
Po Box 293
Vails Gate, NY 12584

Cental Hudson Gas & Elec. Corp.
284 South Ave.
Poughkeepsie, NY 12601

McDonalds Corp.
PO Box 66207
AMF Ohare
Chicago, IL 60666

Slepoy, Herbert & Gardner, Fred
104 South Central Ave.
Valley Stream, NY 11580

Mobil Oil Corp.
Property Tax Division
PO Box 290
Dallas, TX 75221

Leonardo, Constantine
18 Oak St.
Newburgh, NY 12550

Leonardo, Samuel
7 Dogwood Hills Rd.
Newburgh, NY 12550

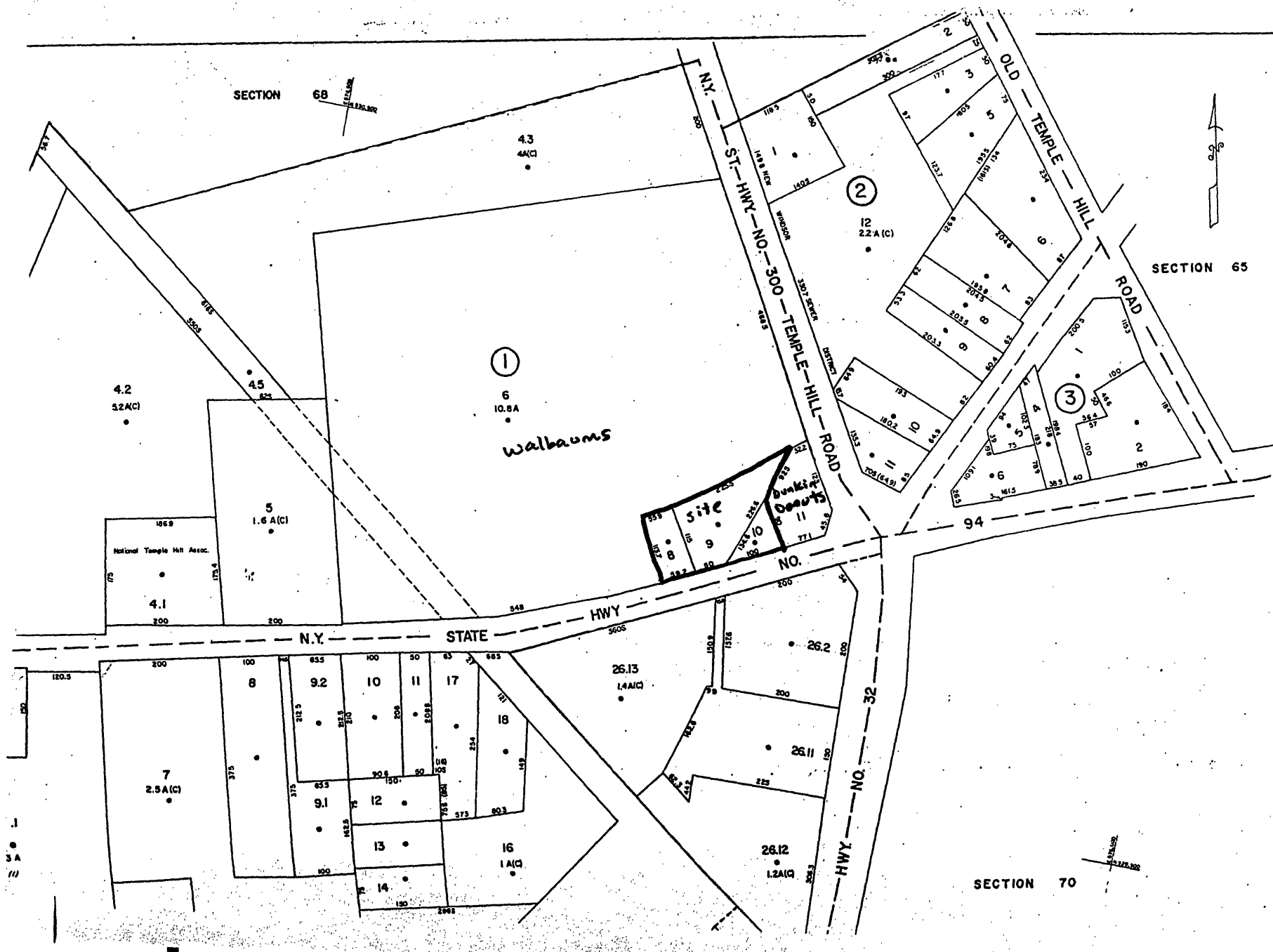
Apache Associates
52 Elm St.
Huntington, NY 11743

New Windsor Volunteer Ambulance Corp., Inc.
PO Box 25
Vails Gate, NY 12584

CP Mans
Po Box 247
Vails Gate, NY 12584

Apache Associates
c/o Friendly Ice Cream Corp.
1855 Boston Rd.
Wilbraham, MA 01095

Apache Associates
c/o Fred Gardner
52 Elm St.
Huntington, NY 11743



PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 9

Request of Steven Prekas

for a VARIANCE

of

the regulations of the Zoning Local Law to

permit construction of restaurant with

insufficient lot area, and more than required bldg. height

being a VARIANCE

of

Section 48-12 - Table of Use Bulk Regs - Cols. C & I.

for property situated as follows:

Route 94 - west of Fire Corners,

New Windsor, N.Y. known & designated

as Tax Map Sec. 69 - Blk. 1 - Lots 8, 9 & 10.

SAID HEARING will take place on the 24th day of

April, 1989, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

James Nugent
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-9.

Date: 4/4/89.

I. Applicant Information:

- (a) Steven Prekas, 3 Warden Circle, Newburgh, N.Y. 12550
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) C Route 94 69-1-89 E10 27,087 SF.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
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IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs.; Col. C & I.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>40,000 S.F.</u>	<u>27,087 S.F.</u>	<u>12,913 S.F.</u>
Min. Lot Width <u>200'</u>	<u>208.77'</u>	
Reqd. Front Yd. <u>60'</u>	<u>60'</u>	
Reqd. Side Yd. <u>30' / 70'</u>	<u>30' / 114'</u>	<u>1</u>
Reqd. Rear Yd. <u>30'</u>	<u>30'</u>	
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>N.A.</u>		
Min. Floor Area* <u>N.A.</u>	<u>32'</u>	<u>17'</u>
Dev. Coverage* <u>N.A. %</u>		
Floor Area Ratio** <u>0.5</u>	<u>0.1</u>	

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

The Three tax lots being developed are the only remaining lands between two existing commercial lots (Waldbaums & Dunkin Donuts). There is no possible way to secure anymore land for development of these lots within minimum zoning standards. Due to the size and shape of the buildable Area on this lot, anything built on this lot would require a height variance

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

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VIII. Additional comments:

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The development of these lots as one commercial property eliminates existing non conforming uses. It is the opinion of this applicant that the elimination of the existing uses will significantly clean up the appearance of the Vails Gate intersection. With the design, shape of the proposed building, the height of the structure should not be out of place in this commercial zone.

IX. Attachments required:

- _____ Copy of letter of referral from Bldg./Zoning Inspector.
- _____ Copy of tax map showing adjacent properties.
- _____ Copy of contract of sale, lease or franchise agreement.
- _____ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- _____ Copy(ies) of sign(s) with dimensions.
- _____ Check in the amount of \$ _____ payable to TOWN OF NEW WINDSOR.
- _____ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date April 3, 1989

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Steve Pukas
(Applicant)

Sworn to before me this
3rd day of April, 1989.

Gail F. Epstein
GAIL F. EPSTEIN
Notary Public, State of New York
No. 4801748
Qualified in Orange County
Commission Expires March 30, 1991

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, N.Y.

Prelim. meeting:
Mar. 13th -
89-9.

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

P-B
File No. 87-77

Date 3 FEB 1989

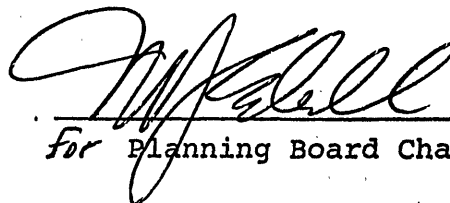
To: STEVEN PREKAS -
3 WARDEN CIRCLE
NEWBURGH N.Y. 12550

(Pat Kennedy.)

PLEASE TAKE NOTICE that your application dated 28 DEC 1987
for (~~Subdivision~~ - Site Plan) _____
located at ROUTE 94 NEAR FIVE CORNERS

is returned herewith and disapproved for the following reasons.

VARIANCE REQUIRED FOR LESS THAN MINIMUM
REQ'D LOT AREA. for new restaurant


for Planning Board Chairman

"C" USE #26
Requirements

Min. Lot Area 40,000 SF
Min. Lot Width 200 FT
Req'd Front Yd. 60 FT
Req'd. Side Yd. 30-70 FT
Req'd. Rear Yd. 30 FT
Req'd. Street
Frontage* —

Proposed or
Available

27,087
208+
60
30-114
30
—

Variance
Request

12913 or 32%
—
—
—
—
—

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

P-B

File No. 87-77

Date 3 FEB 1989


To: STEVEN PREKAS -
3 WARDEN CIRCLE
NEWBURGH N.Y. 12550

(Pat Kennedy.)

PLEASE TAKE NOTICE that your application dated 28 DEC 1987
for ~~(Subdivision)~~ - Site Plan)
located at ROUTE 94 NEAR FIVE CORNERS

is returned herewith and disapproved for the following reasons.

VARIANCE REQUIRED FOR LESS THAN MINIMUM
REQ'D LOT AREA. (for new restaurant)


For Planning Board Chairman

*C" USE #26 Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>40,000 SF</u>	<u>27,087</u>	<u>12,913 or 32%</u>
Min. Lot Width <u>200 FT</u>	<u>208+</u>	<u>—</u>
Req'd Front Yd. <u>60 FT</u>	<u>60</u>	<u>—</u>
Req'd. Side Yd. <u>30-70 FT</u>	<u>30-114</u>	<u>—</u>
Req'd. Rear Yd. <u>30 FT</u>	<u>30</u>	<u>—</u>
Req'd. Street Frontage* <u>—</u>	<u>—</u>	<u>—</u>
Max. Bldg. Hgt. <u>6" PER FT TO 1/2" = 15</u>	<u>NOT INDICATED</u>	<u>NOT REQUESTED *</u>
Min. Floor Area* <u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Dev. Coverage* <u>N/A</u> %	<u>N/A</u> %	<u>—</u> %
Floor Area Ratio** <u>0.5</u>	<u>0.1</u>	<u>—</u>

* Residential Districts only

** Non-residential Districts only

* MAY BE REQUIRED
IF BLDG EXCEEDS
15 FT HEIGHT

CC: MARK EDSALL P.E. P/B ENG'R
MIKE BABCOCK BLDG INSP
ZONING BD. OF APPEALS
P-B FILE 87-77

~~CONFIDENTIAL~~

Mr. Frank Donnery came before the Board representing this proposal along with Mr. Prekas.

Mr. Donnery: This is for a site plan in Vails Gate between Dunkin Donuts that exists now and Waldbaums. Consists of a bar and restaurant on the first floor, office and apartment on the second floor and a nite club in the basement. That is to be run only when the restaurant is closed. Mr. Prekas is buying the adjoining lot that has to be removed to provide additional parking from what was the original submission. The original submission included a lot line change behind Dunkin Donuts, that's been changed. It is no longer requested.

Mr. Jones: That lot line is no longer requested.

Mr. Donnery: The lot line change is no longer requested on the triangular piece behind Dunkin Donuts.

Mr. McCarville: When Dunkin Donuts receives the supplies, the tractor trailers back in from the Waldbaums property up to the divider on the retaining wall and unload the supplies, particularly bakery supplies. Show us how does a tractor trailer make a delivery to Dunkin Donuts when you take the facility away.

Mr. Jones: They use Waldbaums property.

Mr. Prekas: They used to come in through that entrance right through here and back up right here to the door.

Mr. McCarville: How are they going to back up to the door. These are not--they are not going to come in here and back up here very easily with the parking arrangements with the way they are. That is just a point. The other point and a conversation that I had with Don Green, does this have DOT approval.

Mr. Schiefer: No, it is still required. There is no DOT approval.

Mr. VanLeeuwen: I think we should read the engineer's report.

Mr. Schiefer: It points out that that is not their application of the New York State Department of Transportation is required, fire prevention bureau should review the plan for acceptability. The engineer says site drainage must be addressed. Have you seen this. These are some concerns that our engineer has with this project.

Mr. VanLeeuwen: I will give them two copies, Mr. Chairman.

Mr. Schiefer: Question of the chain link fence is the appropriate separation between this site and Waldbaums. Additional site detail should be provided with this plan. Item #2, it appears the plan complies with the minimum bulk requirements with the exception of the need for a variance for a lot area, a referral to the Zoning

Board of Appeals is necessary.

Mr. VanLeeuwen: I think what we should do at this time, let them go back and correct the deficiencies that the engineer did and we turn this down.

Mr. Schiefer: Since you are going to have to go to the Zoning Board of Appeals, we will reject this, we will give you the opportunity to go to the Zoning Board of Appeals for the variance. In the meantime, are there any comments so the gentlemen can take action so the next time they appear, they will be a little better prepared.

Mr. Donnery: You are still referring to the Dunkin Donuts property, this original application. I had requested a lot line change, this is part of this property here. This is the parcel in question. The fence has been added behind the property between Waldbaums and the property in question.

Mr. Schiefer: What kind of fence, chain link.

Mr. Donnery: Yes.

Mr. VanLeeuwen: I'd also like to see before they come back, DOT approval because there seems to be some question the way Mr. Green wants it and without Mr. Green's okay, there is no sense in looking at it.

Mr. Schiefer: You have to get DOT approval. You might as well go for it now.

Mr. Donnery: The DOT, as I understand it, has seen this.

Mr. Schiefer: We have no record of their either rejecting or accepting it. If you come back before that, we are just going to turn it over again so make sure that you have that before you come back.

Mr. Pagano: Does the 30 foot rule apply here.

Mr. Schiefer: That is up to the fire department. Let them call that one. I think it does but I'm not going to make a call.

Mr. Pagano: I'd like to see it in the minutes. We want their comment on this. I think we should have comments that we want to hear about this. I'd like to hear from the fire department officially as to their feelings on this 20 foot space on one side and the distance all around the building. Does this or does this not require a 30 foot clearance all around.

Mr. Jones: There have been requirements all along.

Mr. Schiefer: We'd like to get fire department word on this, I agree.

Mr. Babcock: There should be a memo from the fire inspector in the file.

Mr. Lander: The only other thing I see is the aisle width 20 feet, it is even mentioned in here 20 foot is not enough. They cut it down to 24, it used to be 25, especially with your 20 foot parking spaces here so we are going to have to do something with that. It is hard back on a 90 degree.

Mr. Schiefer: On the 21st of June, 1988, Bobby Rogers reviewed and approved the site plan, town fire inspector.

Mr. Pagano: I'd like to know as to why he is telling us that it is acceptable.

Mr. Babcock: I want to correct the record. The plan that was done by the fire inspector on June 21st, 1988 was not the plan that we are looking at.

Mr. Edsall: The reason why I recommended the fire inspector see the plan again, this is not the same plan he reviewed in June. He should have the opportunity as well as the DOT to look at the plan you are going to consider for approval.

Mr. Schiefer: The basic difference is the piece of land.

Mr. Edsall: He may object to blocking off certain areas with the fencing or access to rear of the other building. If he finds it acceptable, fine, but we should give him the opportunity to look at it.

Mr. VanLeeuwen: Dan was sitting here telling me that that is the reason why I requested DOT approval before we go any further and I would suggest they get to the approval before they go back to the fire department. Dan said he had an opportunity to talk to Don Green, okay, he wants this closed and these two parking lots access from one to the other which makes sense.

Mr. McCaryville: This was an informal conversation. He had the old plans out which showed the lot lines being changed and I remember he had some comment on this exit here.

Mr. VanLeeuwen: Then, come back to us for final approval, whenever.

Mr. Schiefer: Come back to us also have to go to the Zoning Board of Appeals.

Mr. VanLeeuwen: I will make the motion that we approve this subdivision.

Mr. Pagano: Do they have to get this or just go get the Zoning Board approval lot line approval or zoning approval before we vote on them.

Mr. Schiefer: We are voting to send him to the Zoning Board of Appeals.

Mr. Pagano: We are not turning down the application.

1-11-89

Mr. Schiefer: No, we will turn them down but this is the procedure to go to the Zoning Board of Appeals.

Mr. VanLeeuwen: I will make my motion again to send the Prekas Site Plan 87-77 to the Zoning Board of Appeals.

Mr. McCarville: I will second that motion.

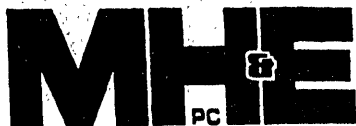
ROLL CALL:

Mr. McCarville:	No
Mr. VanLeeuwen	No
Mr. Lander	No
Mr. Pagano	No
Mr. Jones	No
Mr. Schiefer	No

Mr. Prekas: Is there anything else that you need before we--

Mr. Jones: We don't have any plans to try and squeeze through the donut building parking lot, do you.

Mr. Donnery: No.



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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Prekas Lot Line Change and Site Plan
PROJECT LOCATION: Route 94 (At Five Corners)
PROJECT NUMBER: 87-77
DATE: 11 January 1989

1. The project involves the development of Lots #8, #9 and #10 of Block 1, Section 69 of the tax maps. The project previously included a lot line change; however, the new plan does not include this proposed action. In addition, it appears that the Applicant has acquired the parcel to the west of the site (Lot #8), thereby increasing the lot area and minimizing the required variance (as noted below).

2. It appears that the plan complies with the minimum bulk requirements with the exception of the need for a variance for lot area. A referral to the Zoning Board of Appeals will be necessary.

3. With regard to the proposed site plan development for the property, as shown on the latest submitted plan, the general concept of the plan appears acceptable. I have the following comments regarding my initial review:

- a. Site drainage must be addressed.
- b. The Fire Prevention Bureau should review this plan for acceptability.
- c. Application to the New York State Department of Transportation is required.
- d. I question if chain-link fence is the appropriate separation between this site and the Waldbaums Site.
- e. Additional site development details should be provided with this plan.

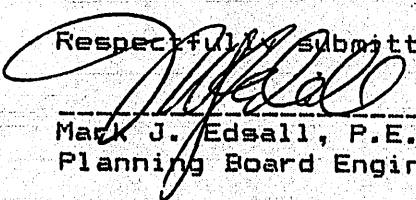
TOWN OF NEW WINDSOR
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-2-

- f. A landscaping schedule should be provided indicating type of plantings and quantities.
 - g. Formal combination of Lots #8, #9 and #10 should be submitted to the satisfaction of the Planning Board Attorney.
 - h. It is my opinion that the aisle width shown on the plans (20' and 21') is not acceptable for 90 degree parking. Minimum 24' is recommended.
 - i. It should be made clear that this plan is being reviewed only for the development of Lots #8, #9 and #10. No review of the Dunkin' Donuts site (Lot #11) is made as part of this application.
4. At such time that the Planning Board has made a review of this proposed site plan and has forwarded the application to the Zoning Board of Appeals, further engineering reviews can be made, in the future, as deemed necessary by the Planning Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEnje

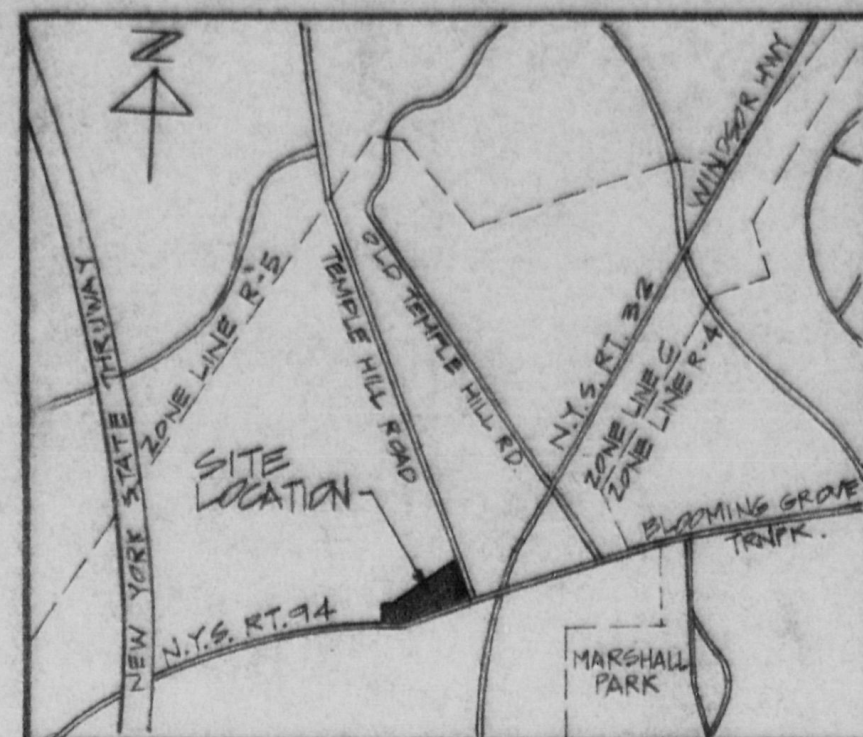
prekas

ZONING DATA

ZONING DISTRICT		
MINIMUM REQUIREMENTS:		
LOT AREA	40,000 S.F.	
LOT WIDTH	200'	
FRONT YARD	60'	
SIDE YARD	30' / 70'	
REAR YARD	30'	
BUILDING COVERAGE		
FLOOR AREA RATIO	0.1	
PAVEMENT AREA	22,530 S.F.	
PAVEMENT COVERAGE	83%	
OPEN SPACE	1810 S.F.	
PARKING REQUIREMENTS:		
NITE CLUB	21 SPACES	32 SPACES
RESTAURANT (MAX. SEATING - 62 SEATS)	2 SPACES	2 SPACES
APARTMENT	2 SPACES	2 SPACES
SUB-TOTAL	2 SPACES	2 SPACES
HANDICAPPED	25 SPACES	27 SPACES
TOTAL PARKING		

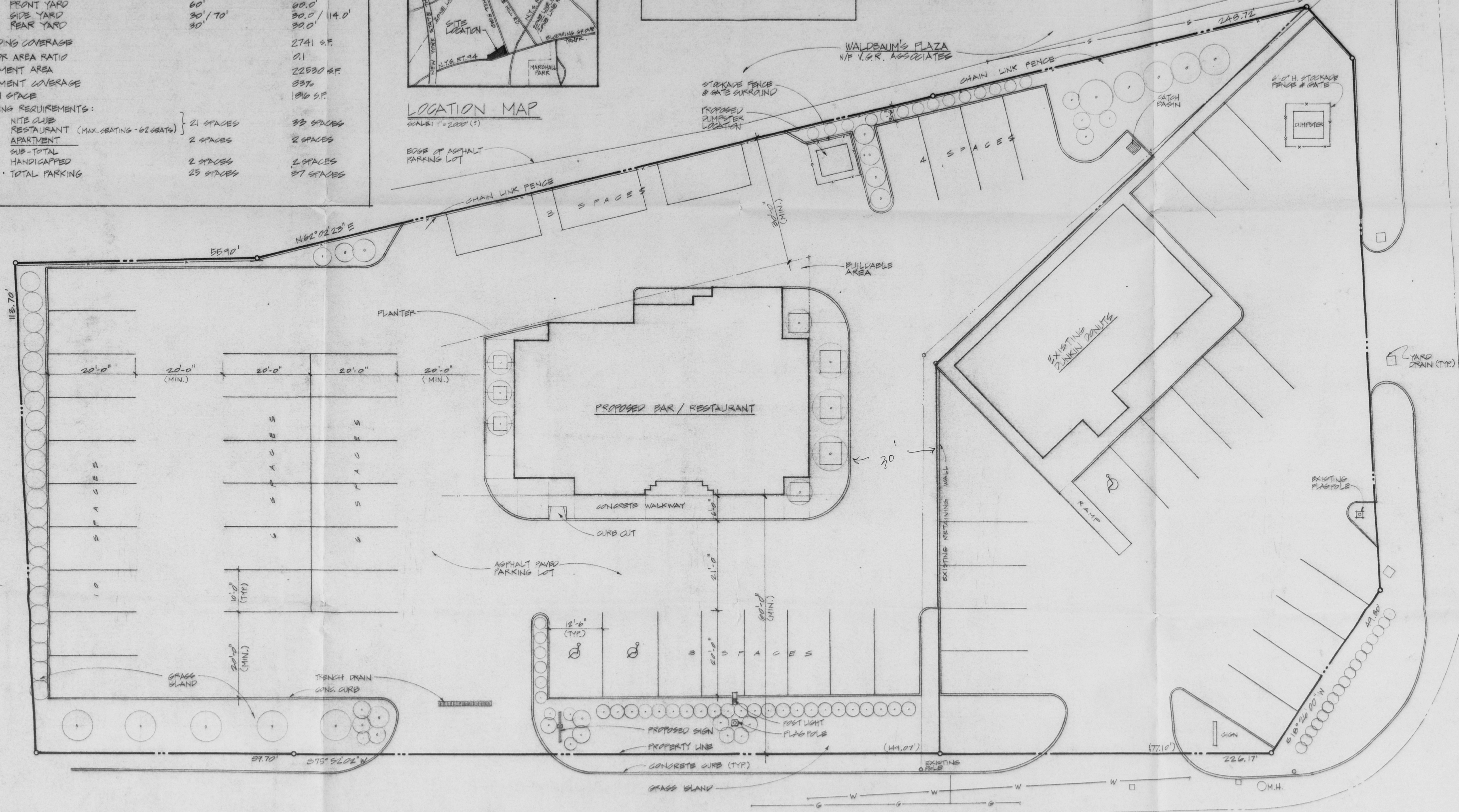
TAX MAP DATA

SECTION:	69
BLOCK:	1
LOTS:	8, 9, 10, 11



LOCATION MAP

SCALE: 1" = 200' (1)



NEW YORK STATE ROUTE 94

SITE PLAN

SCALE: 1" = 10'-0"

REV. 1/9/89

JOEL TRACE - ARCHITECT

PREKAS RESTAURANT

PRELIMINARY SITE PLAN

DATE: OCT. 24, 1988
SCALE: 1" = 10'-0"

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